

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHELLE M.,

Plaintiff,

vs.

CIV NO. 1:24-cv-01198-KRS

MICHELLE KING,¹

Acting Commissioner of Social Security,

Defendant.

ORDER TO CURE DEFICIENCIES

THIS MATTER comes before the Court *sua sponte*, following a review of the record. On November 25, 2024, Plaintiff Michelle M. (“Plaintiff”) filed a Complaint, (Doc. 1), requesting review of the Social Security Administration’s decision to withhold Plaintiff’s disability insurance benefits due to overpayment. Section II of the Complaint expressly instructs Plaintiff to “attach a copy of the Commissioner’s final decision, and a copy of the notice you received that your appeal was denied from the Social Security Appeals Council.” (Doc. 1 at 3). Plaintiff failed to attach the Commissioner’s final decision and the notice from the Social Security Appeals Council. Plaintiff also failed to sign and date page five (5) of the Complaint under Section V.A.

Furthermore, Plaintiff has not paid the \$405 fee for instituting a civil action or filed an “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).” Plaintiff must either pay the fee or file a Long Form Application within thirty (30) days of this Order. The

¹ Michelle King became the Acting Commissioner of Social Security on January 20, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Michelle King should be substituted for Carolyn Colvin as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Guide for Pro Se Litigants, which the Clerk's Office mailed to Plaintiff on November 26, 2024, contains the form "Application to Proceed in District Court Without Preparing Fees or Costs (Long Form)."

IT IS THEREFORE ORDERED that **on or before Friday, March 14, 2025**, Plaintiff must:

(1) File an Amended Complaint with Section V.A. (For Parties Without an Attorney) signed and dated;

(2) Attach to the Amended Complaint (a) the Commissioner's final decision, and (b) the notice from the Social Security Appeals Council that Plaintiff's appeal was denied; and

(3) Pay the \$405 filing fee, or alternatively, file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).

IT IS SO ORDERED.



KEVIN R. SWEAZE
UNITED STATES MAGISTRATE JUDGE